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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application ) PATENT APPLICATION  
Inventor(s): Hugh Sharkey )  
Gary Fanton )  
Application No.: 08/714,987 )  
Filed: September 17, 1996 )  
Title: METHOD AND APPARATUS FOR CONTROLLED )  
CONTRACTION OF SOFT TISSUE )  
\_\_\_\_\_  
)

DECLARATION FOR PATENT APPLICATION  
(CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE**

the specification of which (check applicable ones):

- is attached hereto;
- was filed with the above-identified "Filed" date and "SC/Serial No."
- was amended on (or amended through) .
- The present application is a continuation-in-part of Prior Applications, Application No. 08/637,095 filed on April 24, 1996, which is a continuation-in-part of Application No. 08/389,924 filed on February 16, 1995, which is a continuation-in-part of Application No. 08/238,862 filed on May 6, 1994, and may be considered to disclose and claim subject matter in addition to those disclosed in the Prior Applications, and I hereby claim the benefit of 35 U.S.C. Section 120.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56, including information which became available between the filing date of the Prior Application and the national or PCT international filing date of the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-00 (1) Full name second  
inventor: Hugh Sharkey

(1) Residence: 935 Corriente Pointe Drive  
Redwood City, California CA

(1) Post Office Address: Redwood City, California

(1) Citizenship: United States

(1) Inventor's signature: Hugh Sharkey

(1) Date: 10-17-96

2-01 (2) Full name of first  
inventor: Gary Fanton

(2) Residence: 265 Golden oak Drive  
Portola, California CA

(2) Post Office Address: Portola California

(2) Citizenship: United States

(2) Inventor's signature: Gary Fanton

(2) Date: 10-16-96



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In re Application

1996

Hugh Sharkey  
Gary Fanton

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PATENT APPLICATION

Application No.: 08/714,987

Filed: September 17, 1996

Title: METHOD AND APPARATUS FOR  
CONTROLLED CONTRACTION OF  
SOFT TISSUE

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
37 C.F.R. § 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- The owner of the small business concern identified below.
- An official of the small business concern empowered to act on behalf of the concern identified below.

Name: ORATEC INTERVENTIONS, INC.

Address: 3700 Haven Court, Menlo Park, California 94025

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35 U.S.C. in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified below with regard to the invention.

entitled: METHOD AND APPARATUS FOR CONTROLLED CONTRACTION OF SOFT TISSUE

by inventor(s): Hugh Sharkey and Gary Fanton

described in:

the Specification filed herewith

Application No. 08/714,987 filed September 17, 1996

Patent No. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

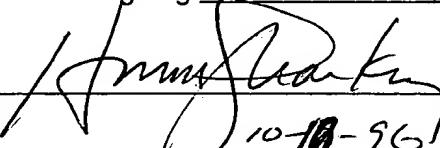
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Hugh Sharkey

Title of Person Signing: President and CEO

Address of Person Signing: 935 Corriente Pointe Drive, Redwood City, California

Signature: 

Date: 10-10-96

\* Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27).



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PATENT

IN RE PATENT APPLICATION OF )

Hugh Sharkey )  
Gary Fanton )

Serial No. 08/714,987 )

Filing Date: September 17, 1996 )

Title: METHOD AND APPARATUS FOR )  
CONTROLLED CONTRACTION OF )  
TISSUE )

) Examiner: Unassigned

) Group Art Unit: Unknown

POWER OF ATTORNEY BY ASSIGNEE  
TO EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71  
WITH REVOCATION OF PRIOR POWERS

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Paul Davis, of Wilson Sonsini Goodrich & Rosati, Reg. No. 29,294 and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

the Assignment recorded on \_\_\_\_\_ at reel \_\_\_, frames \_\_\_\_ - \_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to Paul Davis, (415) 493-9300

Address all correspondence to:

Paul Davis  
WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Menlo Park, California 94034

ASSIGNEE: ORATEC INTERVENTIONS, INC.

Name: Hugh Sharkey  
(Signature)

Name: Hugh Sharkey  
(Print or Type)

Title: President and CEO

Date: 10-17-96